

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

CAYUGA MEDICAL CENTER AT ITHACA, INC.,

Petitioner,

v.

Case No. 18-1001

NATIONAL LABOR RELATIONS BOARD,

Respondent.

STATEMENT OF ISSUES

Petitioner intends to raise the following issue before this Court:

1. Whether the Board's findings and conclusions that Petitioner violated Sections 8(a)(1) and (3) of the National Labor Relations Act (the "Act"), 29 U.S.C. §§ 158(a)(1), (3), by disciplining, demoting or issuing an adverse performance evaluation to Anne Marshall and/or Scott Marsland are supported by substantial evidence and reasonably consistent with the law?
2. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by maintaining and/or applying rules in its Nursing Code of Conduct are supported by substantial evidence and reasonably consistent with the law?
3. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by soliciting employees to report

coworkers or file a complaint against them if they felt they were being harassed or intimidated are supported by substantial evidence and reasonably consistent with the law?

4. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by directing employees to cease distributing union literature are supported by substantial evidence and reasonably consistent with the law?

5. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by informing employees that it is inappropriate for the employees to discuss their salaries and/or wages are supported by substantial evidence and reasonably consistent with the law?

6. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by interrogating employees about union activities are supported by substantial evidence and reasonably consistent with the law?

7. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by threatening employees with reprisals if they do not cease union activities are supported by substantial evidence and reasonably consistent with the law?

8. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by discriminatorily prohibiting employees from distributing and posting union literature, or from distributing union literature in non-patient care areas on nonworking time, including by removing and/or confiscating posted or distributed union literature, are supported by substantial evidence and reasonably consistent with the law?

9. Whether the Board's findings and conclusions that Petitioner violated § 8(a)(1) of the Act, 29 U.S.C. § 158(a)(1), by threatening employees with unspecified reprisals and job loss in retaliation for employees' protected concerted activities are supported by substantial evidence and reasonably consistent with the law?

Respectfully submitted this 5th day of February 2018.

Dated: February 5, 2018

BOND, SCHOENECK & KING,
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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2018, I electronically filed the foregoing Docketing Statement Form (with Exhibit A); Certificate of Parties, Rulings, and Related Cases; Statement of Issues; Deferred Appendix Statement; and Underlying Decision (with Exhibit A) with the Clerk of the U.S. Court of Appeals for the District of Columbia Circuit for service on:

Linda Dreeben
Appellate and Supreme Court Litigation Branch
National Labor Relations Board
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Washington, DC 20570-0001

A true copy of the above referenced document was also sent by First Class U.S. Mail, postage prepaid, to the following:

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